

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

MICHAEL MAERZ,	)	C.A. No. 3:08-2827-CMC-JRM
	)	
Plaintiff,	)	
	)	OPINION AND ORDER
	)	ON MOTION TO DISMISS
	)	
WELLS FARGO EQUIPMENT FINANCE, INC.,	)	
	)	
Defendant.	)	
	)	

This matter is before the court for review of the Report and Recommendation (“Report”) entered on January 21, 2009. For the reasons set forth below, the Report is adopted and Defendant’s motion to dismiss is granted.

**STANDARD**

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

**DISCUSSION**

The court has carefully reviewed the Report and Plaintiff's objections. The court finds Plaintiff's objections are all adequately and properly addressed by the Report. The court further agrees with both the rationale and recommendation of the Magistrate Judge and adopts both as its own.

### **CONCLUSION**

Wherefore, the Report and Recommendation is adopted and Defendant's motion to dismiss is granted for the reasons set forth in the Report and Recommendation.

IT IS SO ORDERED.

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
February 12, 2009